



IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GUSTAVO CERVANTES,
Defendant.

Case No. CR 17-2063M
ORDER OF DETENTION

I.

On September 11, 2017, Defendant made his initial appearance on the criminal complaint filed in this matter. Deputy Federal Public Defender Nadine Hettle was appointed to represent Defendant. A detention hearing was continued to September 14, 2017 in order to allow Pretrial Services to provide the Court with information regarding a viable surety. A detention hearing was held on September 14, 2017.

The Court issues the following Order of Detention.

On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community [18 U.S.C. § 3142(e)(2)].

II.

The Court finds that no condition or combination of conditions will reasonably assure: the appearance of the defendant as required.

the safety of any person or the community.

III.

The Court has considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the history and characteristics of the defendant; and (d) the nature and seriousness of

1 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
2 considered the report and recommendation of the U.S. Pretrial Services Agency.

3
4 IV.

5 The Court bases its conclusions on the following:

6 As to risk of non-appearance:

7 substance abuse history
8 previous failures to appear for DMV violations
9 alleged failure to surrender

10
11 Although Defendant disputes the government's allegation regarding
12 Defendant's failure to self surrender on September 8, 2017, the Court finds
13 that even absent this allegation, there is no condition or combination of
14 conditions that would assure defendant's future appearance. Nevertheless,
15 the Court has directed counsel for the government to submit, no later than
16 September 21, 2017, a declaration from the case agent regarding the
17 circumstances of the allegation regarding the alleged failure to surrender, to
18 include whether the defendant, or someone acting on his behalf,
19 communicated defendant's intent to self surrender.

20
21 As to danger to the community:

22 Criminal History includes felony convictions for robbery and
23 infliction of corporal injury on a spouse, receiving stolen property, possession of a
24 controlled substance and evading a police officer, along with misdemeanor
25 convictions for drug related offenses, violating a local ordinance, and obstructing a
26 public officer. In addition, defendant has had numerous law enforcement contacts,
27 involving – within the past six months – for controlled substance violations and
28 kidnapping. Defendant is currently on summary probation until June 2020.

☒ History of Substance Abuse

V.

IT IS THEREFORE ORDERED that the defendant be detained until trial.

The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

8 The defendant will be afforded reasonable opportunity for private consultation
9 with counsel. On order of a Court of the United States or on request of any
10 attorney for the Government, the person in charge of the corrections facility in
11 which defendant is confined will deliver the defendant to a United States Marshal
12 for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

Dated: September 14, 2017

/s/

ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE